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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO. 2083 OF 2006
IN
FIRST APPEAL NO.871 OF 2006

Shivaji Sahebrao Gaikwad & others ..Applicant
v/s.

Dhanaji Appasaheb Nagne & ors. ..Respondents

Mr.N.V.Walavalkar, Sr.Advocate i/b. S.S.Patwardhan for the Applicants

Mr. G.S.Godbole for the Respondents

CORAM : ANOOP V. MOHTA,J.
DATED : 29th September, 2007

P.C.

This Court has admitted the first appeal on 12-4-2007.

2. By order dated 24-4-2006 the Court has passed the interim order in following terms:

> The Learned Advocate for Caveator seeks time. Stand over till 14/6/2006.
>
> In the meantime, the order passed by the learned Additional District Judge will not be acted upon subject to condition that the Appellant will not take any major policy decision till then.

The said order has been in force since then inspite of the subsequent orders like order dated 7-9-2006. The Learned Counsel appearing for the Respondent has strongly relied on the order dated 29-9-2000 whereby the judgment and order referring to his change report has been set aside and the Joint Charity Commissioner has remanded the matter back with observation to give opportunity to both the parties before passing any order. The said matter is still pending.

3. The undisputed position is that inspite of the order, this Court has from time to time continued the said interim order and basically of date of April 2006, even by order dated 8-1-2007 and lastly by order dated 14-3-2007. Thereafter, the said order was continued and specifically while admitting the matter on 12-4-2007. The facts remain that inspite of the order of remand as strongly relied and inspite of this change of circumstances as contended, this Court has granted and continued the interim relief till 14-3-2007.

4. Even otherwise after considering the rival contentions as raised by both the parties, I am also of the view that pending the enquiry to avoid further

complications in the matter, it is necessary that the interim order as granted by this Court shall continue till the decision of this first appeal. However, liberty is granted to Respondent nos. 1 to 4 to apply for necessary order including for vacating of stay after the decision of change report no. 1361 of 2005 pending before the Assistant Charity Commissioner, Solapur.

5. Considering the facts and circumstances Assistant Charity Commissioner, Solapur is expected to dispose off this matter within four months.

6. In view of this the application is disposed off.

[ANOOP V. MOHTA,J.]